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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,620	04/12/2002	Rudolf Linner	3648.030	4995

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EXAMINER

RADA, ALEX P

ART UNIT PAPER NUMBER

3713

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/018,620

Applicant(s)

LINNER ET AL.

Examiner

Alex P. Rada

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-47 and 49-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53-70 is/are allowed.
- 6) ☒ Claim(s) 27 and 33 is/are rejected.
- 7) ☒ Claim(s) 28-32, 34-47 and 49-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

In response to the Non-Responsive amendment filed September 16, 2005 in which the applicant cancels claims 1-26 and 48, amends claims 27-47, and 49-52, adds new claims 53-70, and claims 27-47 and 49-70 are pending in this office action.

### ***Drawings***

1. The drawings were received on September 16, 2004. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gronroos (WO 95/24950) in view of Belleisle (US 5,707,304), Cuneo (US 5,498,000), and Stephenson (US 6,174,237).
4. Gronroos discloses the following:

A game platform (figure 1), a goal (figure 2) with targets (6), target identifiers (6a-6d), a computer (44a), a puck magazine (27), and a passing unit (26) as recited in claim 27.

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The target surfaces has a mat and the targets are divided into partial target surface A and B, in which the examiner interprets the targets 6a-6d to be an equivalent to the divided targets as recited in claim 33.

Gronroos does not expressly disclose the following:

A conveyor apparatus, two light barriers, a camera, points awarded to player for shots made, and points form the basis for competitive play over a network as recited in claim 27.

Belleisle teaches the following:

A conveyor apparatus (17) for a hockey puck shooting range (figures 2 and 3) as recited in claim 27.

By having a conveyor apparatus and two inclined collectors surfaces, one of ordinary skill in the art would provide an efficient transportation and collection of the hockey pucks to significantly enhance the effectiveness of puck shooting practice

Cuneo teaches the following:

Two light barriers (24a and 24b), a camera (59), and points awarded to player for shots made (summary) as recited in claim 27.

By having two light barriers, a camera, and points for shots made, one of ordinary skill in the art would provide realistic simulation to evaluate a shooters skills.

Stephenson teaches the following:

The points awarded to the player form the basis form competitive play over a network, in which the examiner interprets a game of skill

tournament, which gauges the skill level as compared to other players on a network (WAN or LAN) to be equivalent to the points used for competitive play over a network as recited in claim 27. By having a ranking system for a game of skill, one of ordinary skill in the art would provide a system that measures a player's skill level to others.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Gronroos to include a conveyor apparatus, two light barriers, a camera, and points awarded to the player for shots made, the hit targets are captured by camera connected to the computer and the image is captured at the calculated moment is compared to the computer to determine a hit, and points awarded form the basis for competitive play over a network as taught by Belleisle, Cuneo, and Stephenson to gauge the performance and skill level from one player to another.

### ***Response to Arguments***

5. Applicant's arguments filed December 2, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

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1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine can be found within the references. Gronroos discloses developing the shooting skills of hockey players, which generally have most of the features as noted above. Belleisle, which is analogous to the claimed invention, discloses a hockey puck shooting range, which was used to teach a conveyor apparatus. The motivation to combine Belleisle with Gronroos was to provide an efficient transportation and collection of the hockey pucks to significantly enhance the effectiveness of puck shooting practice. Cuneo, which is also analogous to the claimed invention, discloses another type of hockey shooting system, which was used to teach light barriers, a camera, and award points for shots made. The motivation to combine Cuneo with Belleisle was to provide realistic simulation to evaluate shooters skills. Stephenson, which is also analogous to the claimed invention, teaches the measuring of player's game skills with others to gauge the skill level as compared to other players. The motivation to combine the teachings Stephenson, Belleisle and Cuneo to Gronroos was to provide a system that measures a player's skill level to others. Stephenson ties in all of the claimed limitations as far as what happens to the results of the claimed invention.

***Allowable Subject Matter***

6. Claims 53-70 allowed.
7. Independent claim 53 is allowed for including and overcoming the rejection of 35 USC 112 second paragraph in the previous office action mailed September 29, 2004. Claims 54-70 are allowed by their dependency.
8. Claims 28-32, 34-47, and 49-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
APR

  
XUAN M. THAI  
SUPERVISORY PATENT EXAMINER  
TC3700